IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

MONDAY, THE 9TH JULY 2007 / 18TH ASHADHA 1929

WP(C).No. 24819 of 2006(D)

PETITIONER:

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1. SREEMATHY,
   KUNNAMKULANGARA HOUSE, THONNIYAKAVU,
   NORTH PARAVUR, PIN-683513.

2. RATHNAKUMAR M.S.,
   MANAPPARAMBIL, THONNIYAKAVU, NORTH PARAVUR,
   PIN-683513.

BY ADV. SRI.S.ARUN RAJ

RESPONDENTS:

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1. CHIEF ENVIRONMENTAL ENGINEER,
   POLLUTION CONTROL BOARD, REGIONAL OFFICE,ERNAKULAM

2. MUNICIPAL SECRETARY,
   MUNICIPAL OFFICE, NORTH PARAVUR.

3. ASST.DISTRICT INDUSTRIES OFFICER,
   SMALL SCALE INDUSTRIES, NORTH PARAVUR.

4. AMMINI,
   ANIL AJITH NIVAS, THONNIYAKAVU,
   NORTH PARAVUR, PIN-683513,

5. ANIL,
   ANIL ENGINEERING INDUSTRIES,MARGINLESS SHOPPING
   COMPLEX, THONNIYAKAVU, NORTH PARAVUR,PIN-683513.

BY ADV. SRI.T.A.SHAJI
ADV. SHRI.M.K.CHANDRAMOHAN DAS
ADV. SHRI.BASANT BALAJI, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 09/07/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 24819/2006

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF THE PETITION DATED 05/07/2006.

P2 : COPY OF THE PETITION DATED 16/08/2006.

P3 : COPY OF THE PETITION DATED 08/09/2006 FILED BEFORE THE 3RD RESPONDENT.

RESPONDENT'S EXHIBITS

ANNEXURE R1(a) : COPY OF THE NOTICE DATED 19/03/2007.

ANNEXURE R1(b) : COPY OF THE REPLY LETTER DATED 13/04/2007.

ANNEXURE R1(c) : COPY OF THE CLOSURE NOTICE DATED 02/05/2007.

// TRUE COPY //

PA TO JUDGE.

S. SIRI JAGAN, J.

W.P.(C)NO.24819 OF 2007

DATED THIS THE 9th DAY OF JULY, 2007

JUDGMENT

The petitioners filed this writ petition alleging that the Pollution Control Board is not taking appropriate steps to prevent pollution on account of the industry carried on by respondents 4 and 5. This Court by order dated 23.1.07 directed respondents 1 and 2 to make an enquiry about the allegations of the petitioners and take appropriate action against respondents 4 and 5 after issuing notice to them and hearing their objections. The Pollution Control Board has now filed a statement. It is stated therein that pursuant to the interim order, an inspection was conducted with notice to both parties and having been satisfied that there is pollution, a closure notice has been issued to respondents 4 and 5, which is produced as Annexure R1(c).

2. The learned counsel for the petitioner would submit that in spite of the closure notice, respondents 4 and 5 are conducting the activities of their establishment without any hindrance. In spite of receiving notice the respondents have not cared to contest the writ petition.

In the above circumstances, the writ petition is disposed of

recording the statement of the Pollution Control Board and directing respondents 1 to 3 to take appropriate steps to enforce Annexure R1(c).

S. SIRI JAGAN, JUDGE

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